

Poly Met Mining, Inc.'s NorthMet Mining Project Update

Minnesota Pollution Control Agency

January 27, 2017

Background

- State environmental review concluded on March 3, 2016, allowing PolyMet to submit applications for permits.
- PolyMet would need several permits from the MPCA to authorize construction, including permits covering air quality, wastewater/water quality (NPDES/SDS), construction stormwater and 401 certification (wetlands).

Current Permitting Status

- *Water quality permit*
 - o Application submitted by PolyMet on July 11, 2016.
 - o In response to EPA's November 3, 2016 comment letter on the permit application (in which several "deficiencies" were identified) PolyMet submitted an Application Update on November 30, 2016.
 - MPCA staff have determined that this update addresses the identified "deficiencies*".

* "deficiencies" were described in the EPA letter as "...omissions, inconsistencies, mistakes... or circumstances where information provided is not responsive to the directions on the application form".
 - o MPCA staff are continuing with the more thorough technical evaluation of the application components and additional information provided by PolyMet prior to development of draft permit requirements. Preliminary draft language has been developed for some items.
 - o MPCA staff are engaging EPA Region 5 permitting staff on a biweekly basis to receive feedback on various technical and policy issues.
 - Some differences of opinion have been identified, but to date none are considered unresolvable.
- *401 certification*
 - o Application submitted by PolyMet on August 2, 2016.
 - o MPCA staff are continuing to coordinate with the Minnesota Department of Natural Resources and the U.S. Army Corps of Engineers during the certification process.
- *Air quality permit*
 - o Application submitted by PolyMet on August 24, 2016.
 - o MPCA staff have been reviewing the air modeling reports and other elements of the permit application prior to development of draft permit requirements.
 - o The air modeling protocols, permit application, and MPCA's "completeness letter" are posted online.

Next steps for Permitting/Certification

- MPCA staff will continue with technical review of the water quality application leading to the development of further-defined draft permit requirements and the supporting permit fact sheet. MPCA will continue frequent dialogue with EPA Region V permitting staff.
- MPCA staff will proceed with technical review of the air quality application leading to the development of draft permit conditions.
- MPCA staff will continue to coordinate with the Minnesota Department of Natural Resources and the U.S. Army Corps of Engineers as needed during the 401 certification process.
- Construction stormwater permit applications for geotechnical work are expected soon, but no definitive date has been given by PolyMet for their submittal.
- The timeline(s) for processing the applications remains unknown; it depends partly on the quality of information in the applications as well as the degree of interaction with the public, EPA and the Tribes.

- The permitting/certification process has opportunities for public input. This will include a formal public notice of the permits/certification and a public meeting(s). There are also opportunities for legal challenges following public notice and following permit/certification decisions, and we expect those to occur.
- There are important connections between the different permits requiring state and federal agencies to coordinate closely throughout the permitting process. For example, certain aspects of the MPCA water quality permit and the DNR permit to mine inform each other, requiring processing of the two permits to be closely linked.

Public Engagement

- The first general 'quarterly update' was delivered to those on the project's GovDelivery email list on January 11, 2017. The update provided a summary of MPCA activities through December 2016 regarding the applications submitted by PolyMet for the NorthMet project.
- We will continue to make extensive use of the GovDelivery email list, the state web portal ([HYPERLINK "http://polymet.mn.gov"]) and the MPCA website ([HYPERLINK "https://www.pca.state.mn.us/northmet"]) to ensure the public has timely access to MPCA permitting/certification information, understands each permitting/certification process and knows when there are opportunities for public engagement.